



# Corporate Report

NO: R190

COUNCIL DATE: September 11, 2006

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## REGULAR COUNCIL

TO: Mayor & Council DATE: September 7, 2006  
FROM: Acting General Manager, Planning and Development FILE: 3900-20-12880  
SUBJECT: Proposed Amendments to Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631 -  
Waving Fees for Development Variance Permit Applications for the Purpose of Preserving Trees

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## RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Approve the proposed amendments to Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, as documented in this report; and
3. Authorize the City Clerk to bring forward the necessary amendment by-law for introduction and the required readings.

## INTENT

The purpose of this report is to implement one of Council's directions that resulted from the recent review of the Surrey Tree Preservation By-law and other related policies and procedures. The specific direction addressed in this report is the waiver of application fees for development variance permits where the variance is for the purpose of preserving a tree or trees.

## BACKGROUND

At the February 20, 2006 Council-in-Committee meeting, Council considered and directed staff to proceed with recommendations contained in Corporate Report No. C003 – "Amendments to the Surrey Tree Preservation By-law, 1996, No. 12880 and Other Related Policies and Procedures - Results of Consultation with

Committees of Council". In addition to amendments to the Tree Preservation By-law, Council also directed staff to:

*"Include provisions for waving or reducing the fee for a development variance permit where the variance is for the purpose of preserving a tree or trees".*

## DISCUSSION

The Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631", contains a Schedule, which lists application types and the required application fees. In order to implement this direction of Council, Section II Development Variance Permits is proposed to be amended by adding a clause (c) which would act to waive application fees for development variance permits which are for the purpose of varying a City by-law to permit a tree or trees to be retained as part of a development.

It is recommended that the fee for such a permit be completely waived, so that it does not act as an impediment to the submission of variance applications that would alter the location of buildings and structures on a lot for the purpose of tree protection.

The proposed text amendments are shown in bolded, italicized text below:

### II. DEVELOPMENT VARIANCE PERMIT

- (a) \$890 for each Development Variance Permit application for amendment of Land Use Contract pursuant to Section 930(2)(b) of the Local Government Act, or for any purpose other than
  - (i) that specified in (b) below, or
  - (ii) for those applications described in Section III, Schedule 3, of this By-law, *or*
  - (iii) *that is specified in (c) below.*
- (b) \$495 for each Development Variance Permit application for relaxation of building elevations within the Crescent Beach Area as defined by the General Manager, Planning & Development Department.
- (c) *no charges for each Development Variance Permit application to vary a City by-law to permit a tree or trees to be retained, as determined by the General Manager, Planning and Development Department.*

The proposed text amendments have been reviewed by Legal Services.

## CONCLUSION

One of the outcomes of the process of reviewing the Surrey Tree Preservation By-law and other related policies and procedures was a recommendation that a development variance permit for the purpose of saving a tree or trees not be subject to the usual application fee. This would encourage creative efforts to retain trees on development sites. To implement this direction, it is recommended that Surrey Land Use and Development Applications Fees Imposition By-law , 1993, No. 11631 be amended, as documented in this report and that the City Clerk be authorized to bring forward the necessary amendment by-law for introduction and the required readings.

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